

**IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA**

**THE STATE OF NEBRASKA,**  
Plaintiff,

vs.

**TIMOTHY L. ELLIOTT,**  
Defendant.

Case No. CR03-3

**JUDGMENT OF PROBATION**

**DATE OF SENTENCING:** April 7, 2003.

**APPEARANCES:**

For plaintiff: Thomas P. Herzog, Holt County Attorney.  
For defendant: Rodney W. Smith, Holt County Public Defender, with  
defendant.

**THIS CASE CAME ON FOR SENTENCING.** The Court finds that the defendant was adjudged guilty of the charge(s) of: Count No. 2, Child Abuse, a Class IIIA felony, on February 3, 2003. Allocution had: defendant showed no sufficient reason why sentence should not be pronounced.

**IT IS THEREFORE ORDERED AND ADJUDGED** that the defendant is hereby sentenced to Probation for a period of three (3) years from and after the commencement of probation under the limited supervision of a State Probation Officer. The term of probation shall be deemed to commence upon the first to occur of the following: (1) defendant's acceptance in writing of the conditions of probation, (2) the expiration of 30 days from the date of entry of this judgment if no appeal is taken, or, (3) the entry of judgment upon the mandate of the appellate court if appeal is timely perfected within 30 days after the date of entry of this judgment. As conditions of probation, the defendant shall:

1. Not violate any laws, and refrain from disorderly conduct or acts injurious to others.
2. Report to your probation officer in person only if required by the probation officer, at such reasonable times and places to be fixed by the probation officer. If the defendant is arrested or cited for any violation of law, report such arrest or citation

to the probation officer by the next working day. The probation officer shall not implement reporting unless it appears that some violation of probation has occurred.

3. Furnish the probation officer and the Clerk of the District Court for this county, in writing, with defendant's address (including specific street address or other physical location, in addition to mailing address), telephone number, and social security number, and the name, address, and telephone number of defendant's employer. The defendant shall also be required to advise the probation officer and the clerk in writing of any changes in such information between the time of entry of this judgment and release from probation, within ten (10) days after the effective date of such change.
4. Not have possession of any firearms, ammunition, or illegal weapons. Not be personally present with anyone who has possession of any firearms, ammunition, or illegal weapons.
5. Submit, from time to time, to any reasonable search and seizure of premises, person or vehicle, with or without probable cause, by or upon request of the probation officer or any law enforcement officer.
6. The defendant is sentenced to 180 days, less 101 days credit for time served before sentencing, in the Holt County Jail, to be served commencing on April 7, 2005, as follows:
  - A. Upon request of the probation officer, the court may advance the date for service of the jail sentence at any time without further hearing.
  - B. The jail sentence may be waived by the court upon the recommendation of the probation officer.
  - C. The sentence is subject to reduction under Neb. Rev. Stat. § 47-502. Assuming no good time for which defendant is eligible is lost, the defendant must serve 124 days less 101 days credit for time served before sentencing.
  - D. Unless advanced or waived, commitment shall issue by the clerk on or before April 1, 2005, for execution of sentence by the sheriff. If advanced or waived, the clerk shall issue commitment as directed by such order. If advanced, the clerk shall mail a copy of the order advancing sentence to the defendant's last known address by regular mail.
  - E. Unless the sentence is waived, the defendant shall appear and surrender to the Holt County Sheriff at the time required by this judgment or by the order advancing date of sentence. Failure to appear and surrender shall constitute a violation of probation, with such consequences as may be imposed by law,

and may further result in a separate prosecution for the crime of Failure to Appear, with a separate and additional penalty, and may also result in the issuance of a bench warrant.

7. No restitution was sought by the plaintiff.
8. Within four months after the date of commencement of probation, pay to the clerk of the sentencing court the costs of prosecution taxed in the amount of \$\_\_\_\_\_.
9. Within eight months after the date of commencement of probation, pay to the clerk of the sentencing court, for disbursement to Holt County for partial reimbursement of the cost of defense counsel, the sum of \$350.00.
10. Within eighteen months after the date of commencement of probation, pay to the clerk of the sentencing court the amount of \$1,010.00, representing partial reimbursement of the cost of imprisonment for 101 days in the Holt County Jail at \$10 per day, for disbursement to Holt County.

**IT IS FURTHER ORDERED AND ADJUDGED** that during the term of this probation, the Court, upon application of the probation officer or the defendant, or upon its own motion, may modify or eliminate any of the above conditions or add further conditions.

BY THE COURT:

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William B. Cassel, District Judge